

MAR 23 2011

Atty. Ref.: 080006.0564.NPUS00

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***FOR DISCUSSION PURPOSES ONLY ON INTERVIEW*****PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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|---------------------|--|--------------------|--------------------|
| <b>Applicant:</b>   | Jane Heschmeyer et al.                     | <b>Art Unit:</b>   | 1781               |
| <b>Serial No.:</b>  | 10/748,287                                 | <b>Examiner:</b>   | Stulii, Vera       |
| <b>Filing Date:</b> | 12/31/2003                                 | <b>Docket No.:</b> | 080006.0564.NPUS00 |
| <b>Title:</b>       | LOW-GLUTEN WAFER AND METHOD OF MAKING SAME |                    |                    |

Confirmation No. 9611

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Date: March , 2011

Steve Moore  
USPTO Reg. No. 35,959

**MAIL STOP AMENDMENT**  
 Commissioner for Patents  
 P. O. Box 1450  
 Alexandria, VA 22313-1450

**RESPONSE TO THE NON FINAL OFFICE ACTION OF**  
**OCTOBER 26<sup>TH</sup>, 2010**  
**INTRODUCTORY COMMENTS**

- **REQUEST FOR CONSIDERATION OF RESPONSE**

This "RESPONSE TO THE OFFICE ACTION OF OCTOBER 26<sup>TH</sup>, 2010" replies to the outstanding office action in this case, distinctly and specifically points out the errors in the Examiner's action, as well as responds to every ground of objection and rejection set forth in the

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office action. This response is a *bona fide* attempt to advance the application. In light of the amendments and remarks set forth below, Applicant seeks further examination of the application and requests that the Examiner reconsider the Examiner's position with respect to the patentability of the claims. Applicant hereby requests that any objections or requirements as to form (if any) not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. A Request for Continuing Examination accompanies this Amendment.

- REQUEST FOR, AND PAYMENT OF, EXTENSION FEE

Applicant herein respectfully requests an extension of two months from the shortened statutory response period in order to reply to the pending office action. Applicant hereby requests the extension fee to be charged to extension Kelley Drye & Warren's Deposit Account No. 11-0404. Applicant furthermore provides the Commissioner with the authority to debit this account for any extension fee which may come due to the future and which may be required to keep this application alive.

- LOCATION OF SPECIFIED SECTIONS FOR SCANNING OF THIS DOCUMENT

| SECTIONS OF DOCUMENT                | LOCATION OF SECTION |
|-------------------------------------|---------------------|
| I. INTRODUCTORY COMMENTS            | Pages 1 - 3         |
| II. AMENDMENTS TO THE SPECIFICATION | Page 4              |
| III. AMENDMENTS TO THE CLAIMS       | Pages 5 - 6         |
| IV. AMENDMENTS TO THE DRAWINGS      | Page 7              |
| V. REMARKS/ARGUMENTS                | Pages 8 - 11        |
| VI. APPENDIX (N/A)                  | Page 12             |

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- REQUEST FOR ENTRANCE OF AMENDMENTS AND CONSIDERATION OF ARGUMENTS

Applicants respectfully request entrance of the amendments, and consideration of its arguments set forth below. Amended/new claims that may be construed as more limiting in scope than the scope of any of the claims prior to amendment/cancellation/addition should not be construed as an abandonment of any subject matter no longer claimed, nor should the amended/new claims be construed in any manner to waive or limit the equivalent structures of any element recited in such claims that would otherwise be available under the Doctrine of Equivalents with respect to the unamended/cancelled claims.

Amendment/cancellation/addition of the claims is not in any manner intended to, and should not be construed to, waive Applicant's right in the future to seek protection for the subject matter claimed in prior claims, or to seek protection for similar matter in any continuation, divisional, continuation-in-part, RCE, CPA or any other application claiming priority to or through the present application. Applicants expressly reserve the right to file applications directed to the subject matter covered by any cancelled or previously submitted claim, as well as any uncovered subject matter disclosed in the specification.